

September 16, 2005

Audrey Berry  
DOE-LM-5  
2597 B ¼ Road  
Grand Junction, CO 81503

Re: *Draft Rocky Flats Site Post-Closure Community Involvement Plan*, dated August 2005

Dear Ms. Berry:

The City and County of Broomfield appreciates the opportunity to review and provide comments on the document referenced above. We would like to request that Legacy Management (LM) provide a disposition to our comment letter dated March 31, 2005 regarding the *Draft Rocky Flats Site Post-Closure Community Involvement Plan*, dated February 2005. We would appreciate a response that addresses each specific topic and issue. We also request a complete copy of the disposition to comments from other public members to allow us an opportunity to review their issues and evaluate how they were resolved.

We would like to emphasize that we are not asking for a special status, but rather to continue the current communication process we have with the Department of Energy; Environmental Restoration. The myriad of notifications to Broomfield, which you referred to, are needed to protect water quality downstream of Rocky Flats. The notifications we identified in our previous letter allow us to respond to our citizens in a timely manner pertaining to any issues they may have. Our intent is to codify the communication process between LM and us to ensure the criteria is captured in such an important document related to communication.

This letter will communicate the need we have for the notifications identified in our previous letter to LM, dated March 31. We once again ask that as a minimum the notifications to Broomfield be identified within this plan. We also want to reaffirm the commitment made by LM to continue the Data Quarterly Exchange meetings for at least the first two years post-closure. These technical meetings will allow dialogue between parties performing sampling post-closure while providing us an opportunity to review analytical data. To support LM with their commitment, we suggest the Data Quarterly Exchange meetings be held prior to or after a Local Stakeholder Organization (LSO) meeting if the LSO decides to have quarterly meetings. Once again, Broomfield commits

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to supporting LM with these data exchange meetings based on the importance of these meetings to our community. Broomfield has and will continue to be an active participant of Rocky Flats activities and does not foresee our role changing in the near future. We understand there will be minimal activity at the site post-closure, but monitoring and surveillance will continue quarterly in many cases, therefore justifying our active role post-closure with long-term stewardship activities.

Broomfield's three general comments are as follows:

- In addition to what has been identified in the Post-closure Community Involvement Plan (Plan), Broomfield as a downstream community currently has additional fax, email and telephone communication with the Site regarding notification prior to pond discharges, incident reports, use of herbicides, grass fires, elevated levels of contaminants at points of evaluation and points of compliance on Walnut Creek, etc. We would like to ensure that LM continue that communication. In the event Broomfield has to act to protect downstream water quality, it is imperative we are notified the same time the regulators are notified of elevated levels, standards, or sampling. Please formalize these current communication protocols in the Plan as appropriate. (See section 2.2 of the attachment for additional clarification.)
- We support the Plan and want to emphasize the importance of having a public involvement program dedicated to the long-term care of post-closure remedies at Rocky Flats. The foundation of the public participation effort is iterative ongoing consultation with Broomfield so that we can directly go to DOE to protect our assets.
- We ask to be involved in any post-closure decisions regarding changes to the reading room, location of the Administrative Record, and implementation and creation of a post-closure web page. We understand LM intends to publish CERCLA documents on the LM website post-closure. Certain media such as maps, analytical data, etc. are difficult to download and read. We ask to receive a hard copy of any CERCLA document prepared post-closure by LM and quarterly data information from LM. In addition, we also request a hard copy of the CERCLA 5-Year Review prior to release of the document for formal public comments.

Broomfield is providing additional specific comments and observations on the document in the attachment.

Thank you for the opportunity to comment on this document. The City and County of Broomfield requests a meeting with LM to disposition this plan prior to finalization of the document. We appreciate all your efforts and responsiveness to meet our needs by providing a commitment to continue the Quarterly Data Exchange Meetings, having

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discussions with us, and seeking our input in the decision-making process for LM. If you have any questions, please feel free to call Shirley Garcia, of my staff, at 303-438-6329.

Sincerely,

Dorian Brown  
Director of Public Works

pc: Gary Brosz, City & County of Broomfield City Council  
Lori Cox, City & County of Broomfield Council  
Mike Bartleson, City & County of Broomfield  
Kathy Schnoor, City & County of Broomfield  
Shirley Garcia, City & County of Broomfield  
Sam Dixon, City of Westminster Council  
JoAnn Price, City of Westminster Council  
Al Nelson, City of Westminster  
David Abelson, RFGLOG  
Carl Spreng, CDPHE  
Mark Aguilar, EPA  
John Rampe, DOE Rocky Flats  
Bob Darr, DOE Rocky Flats  
Ray Plienness, Legacy Management  
Scott Surovchak, Legacy Management  
San Marutzky, Legacy Management

Broomfield requests the document be revised to include the information needed to ensure an effective public involvement plan. Words in italics are direct quotes from the predecisional draft document, Rocky Flats documents, or regulatory documents. Broomfield's specific comments are as follows:

1.0 Introduction

- 1.1 The plan states additional communication or notification to selected stakeholders not specified in the plan may be addressed in other documents, such as the Long-Term Surveillance and Maintenance (LTS&M) Plan. We perceive the Public Involvement Plan to be an umbrella document that captures the type of communications LM will provide, the process, and to whom communications will be made post-closure.

2. Interested Community Members, Local, City, and State Elected Officials

- 2.1 We clearly understand the responsibilities of the LSO, but it should not circumvent the current communication process we have based on our unique needs to manage surface water downstream from Rocky Flats.
- 2.2 We agree the Local Stakeholder Organization (LSO) *should disseminate information of the closure and post-closure operation of the site to the state of Colorado, neighboring cities, and counties, and to persons and entities having a stake in the closure of post-closure operations of the site.* As an asset holder and downstream community, we expect information to be provided directly to us from LM, not through the LSO. In the event of a potential risk to our water downstream of the site, we may need to act immediately to protect our water and/or our community. We currently have additional communication with the Site and expect to maintain our open communication with the Site/LM post-closure. Revise the plan to include the following:
  - Pre-discharge notification fax of analytical data for surface water to appropriate government prior to discharge of retention ponds. Justification: This information is needed for us to schedule our surface water sampling and determine if water should be diverted into or around Great Western Reservoir;
  - Notification via telephone in the event of elevated levels of contaminants at surface water POEs and POCs. Justification: This information is needed as soon as LM is aware of elevated levels and notifies the regulators. Once again, this gives us needed information to protect surface water downstream and would give us insight to any anomalies we have in our analytical data;
  - Notification via telephone in the event of elevated levels of contamination in groundwater with a potential to impact surface water. Justification: This gives us needed information to protect surface water downstream and would give us insight to any anomalies we could have in our analytical data not only on-site but off-site especially in Great Western Reservoir;
  - Notification via telephone in the event an action level is triggered for air quality. Justification: Our community is downwind of the site and any

elevated levels may impact our community as well as impact surface water quality via dispersion of contaminants;

➤ Notification via telephone of any implementation of a contingency plan or occurrence such as fire or flooding. Justification: Any occurrence may have the potential to impact surface water quality and we need to be aware of these occurrences based on the above previously mentioned justifications;

➤ Notification via telephone prior to use of herbicides, culling of deer, or failure of institutional control (ICs) or engineered controls (ECs).

Justification: Any use of herbicides may potentially flow off-site and the analyte may be detected in our analytical data. The list of herbicides used by LM would assist us with identifying the source contaminant in the water. Any failure of an IC or EC may have the potential to impact surface water quality downstream and we may need to act to protect our water. If LM plans to cull any deer, we would also need to be informed of the activity and its details to inform our residents and alleviate any concerns they may have;

➤ Delivery via fax or email of the annual inventory of herbicides to be used at the site. Justification: It is imperative to have a current annual list of herbicides used at the site in the event any potential chemical is identified in our surface water. With today's environment, we could alleviate any potential concern of intentional contamination to our reservoir if we had a list of herbicides used at the site used. We could therefore justify the presence of the analyte;

➤ Notification via telephone and email of status levels of A- series ponds, B-series ponds, and the Present landfill pond. Justification: This information is very crucial to us because it allows us time to schedule our sampling events to coincide with LM's sampling event;

➤ Notification via telephone and email of damage to surface water monitoring stations, groundwater wells, or air monitor stations. Justification: This information would help us adequately evaluate quarterly data, determine what actions should be taken in the event monitoring stations or wells are damaged that could potentially cause us to take action to protect downstream waters;

2.3 We reserve the right to ask any questions or relay our concerns to managers or employees of LM directly. Once again, we see the LSO as the entity to provide information to the general public, however we expect to receive information directly and not through the LSO.

2.4 We support the concept of the LSO and the integral role it will have for local communities and the public to be involved and engaged in post-closure activities. We do not see it as an organization that will circumvent the current communication process Broomfield has in place to protect surface water quality.

### 3. Roles and Responsibilities

3.1 Add security to the list of responsibilities by LM to protect monitoring equipment, caps, and treatment units.

- 3.2 The Plan refers to the LTS&M Plan that will outline the long-term requirements for compliance post-closure. Revise the language to include downstream communities will be allowed to participate in the LTS&M plan development. We expect a procedure similar to the Integrated Monitoring Plan (IMP) process to be incorporated into the LTS&M Plan. Downstream communities should meet with LM as least annually to review the data quality objectives for site-wide monitoring and evaluate the sampling and analysis plans.

4. Public Participation Activities

- 4.1. Page 8, bullet #2, states: *LM will also host a public meeting during the comment period for the draft LTS&M Plan and will provide notice of the date, time and location of the meeting.* We cannot emphasize strongly enough how important it is for us to receive documents early in the process concurrently with the regulators. We expect to receive a draft LTS&M document prior to the formal comment period to allow for dialogue with LM to address any concerns or clarifications.
- 4.2. We agree post-closure LM should conduct at least annually a general public meeting for the general public to provide information about LTS&M activities. The document states the LSO will hold three quarterly and one annual general public meeting during the first two years post-closure to discuss post-closure issues of importance to stakeholders. We agree with this concept, but these meetings should not replace the Data Quarterly Exchange meetings that are needed to discuss technical issues. LM has committed to hold the exchange meetings for at least two years. To support LM, if LM feels it is more convenient and appropriate to meet prior to or after a LSO meeting, we will accommodate your needs. It may be more beneficial for us to meet to identify a routine schedule for the data exchange meetings during this transition period.
- 4.3. We appreciate the identified briefings in the Plan for local, state, and federal elected officials to *discuss new data trends or the evaluation of post-CAD/ROD changes.* Once again, surface water quality is of utmost importance for us and we intend to evaluate data trends with associated site data and our own data. Our intent is to make sound technical decisions based on analytical data and revise DQOs as needed.
- 4.4. At this point in time we do not see a need to continue the Water Working Group. With minimal activity post-closure, the Quarterly Data Exchange Meetings and Annual IMP meeting should be more than sufficient to meet our needs. Broomfield anticipates the language will be maintained in RFCA defining the IMP process and inclusion of downstream asset holders.
- 4.5. Revise the language in the Plan for the post-closure LM Quarterly Data Exchange meetings to state the purpose of the meeting is to review quarterly surface water analytical data and/or other environmental media data as received. The City & County of Broomfield will continue to provide our data at the exchange meetings. Broomfield offers to continue hosting these meetings.

5. Public Reading Room, Administrative Record (AR), and Internet Website

- 5.1. We appreciate your recognition of having a *Public Reading Room as an important asset* to local stakeholders and governments post-closure. We thank you for stating we will be involved in the decisions regarding changes to the reading room, if any. We ask that you work with us to determine what documents should be maintained. We understand LM is required to only maintain the AR, but we strongly believe there are some valuable documents that also should be maintained because of their historical or technical importance. Prior to any documents being destroyed, we ask to be part of the process to determine what should be maintained. For those records LM decides not to maintain, we ask to be given an opportunity to preserve the additional records via other potential venues.
- 5.2. We ask that all data be included in the AR, not just validated data. It is important to evaluate all data in the event of remedy failure. If the data is not kept in the AR, it should as a minimum be kept on the website or in the public reading room. We are disappointed that the AR on the web page is not yet functional. We understand LM has a new program for the AR and we look forward to using the system. We would also like to know how the AR system and the GEMS system will be integrated so that we will not have to maneuver in and out of one system to access information.
- 5.3. CERCLA documents prepared post-closure will be posted on LM website soon after they are released. We expect to receive hard copies of all CERCLA documents for our review. Based on recent experiences trying to download documents, we have encountered problems printing and reading maps, reading and interpreting data, and not having the ability to download large tables. In the event this issue is resolved, we will reevaluate the need to require hard copies at a later date.

6.0 Site Tours

- 6.1 Revise the section in document to clarify the types of tours that will occur post-closure.
- 6.2 Add a statement to address the coordination with asset holders to accompany DOE and the regulators during the CERCLA 5-year review walk-down of the site. We understand this is not considered a tour, but it is crucial for asset holders to evaluate site conditions to adequately comment on the 5-year review.
- 6.3 Add language to clarify how notifications of the tours will occur.
- 6.4 If LM feels this document is not the appropriate document to identify the communication process for the City & County of Broomfield, please provide us with the name of the document(s) that will capture the language. We would appreciate an assurance that the current communication process will continue post-closure.

7.0 Documents for Public Review and Comment

7.1 Post-Closure: *LM will provide opportunities for stakeholders to review and comment on post-closure documents as required by CERCLA regulation, including 5-year reviews. DOE anticipates the number of documents developed post-closure to be minimal. LM is currently preparing a LTS&M Plan for Rocky Flats. This plan explains how DOE will fulfill its surveillance and maintenance obligation at the site. The public will be provided an opportunity to comment on the draft LTS&M Plan for Rocky Flats before it is finalized.* We need to be involved in the early stages of the drafting process to ensure the surveillance and monitoring criteria meets the needs of downstream communities. At a minimum, we expect the following to occur:

- LM shall work with us to finalize the surveillance plan for the Rocky Flats site. The regulators have supported us by committing to maintaining the language in the final RFCA to continue the IMP process for downstream asset holders. We ask that the plan as a minimum refer to the IMP process. This process will serve as a mechanism for downstream communities to provide recommendations to the RFCA Parties by evaluating site-wide monitoring, identifying or revising data quality objectives, and revising the Sampling and Analysis Plans as appropriate. This consultative process is critical to the protection of our downstream surface waters.
- LM shall work with us to finalize the maintenance plan for the Rocky Flats site. We expect LM to adopt a process equal to the Integrated Monitoring Plan, which includes asset holders to develop criteria for maintenance of site-wide remedies, implementation of Standard Operating Procedures, and evaluation of institutional and engineered controls, and notifications pertaining to inspections after major storm events.
- In addition, include language that interested community participants will receive draft documents the same time the regulators receive draft documents.

## 8. News Releases, Community Advisories, and Publications

- 8.1. We ask that any specific information or advisories be provided directly to the City & County of Broomfield.
- 8.2. Revise the Plan to include telephone, fax, or emails as a method to provide information to local governments, stakeholders, and the regulators.

## 9. Speakers Bureau

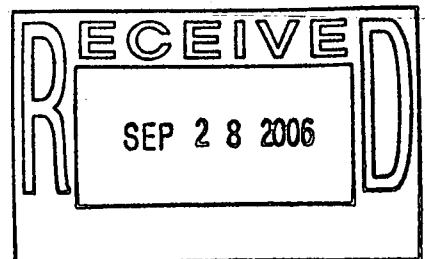
- 9.1. *Post-Closure: LM has committed to provide a least one DOE staff person at the site for 2 years post-closure. This on-site staff person will give presentations on Rocky Flats as requested.*
  - 9.1.1. We were not aware of the commitment to have a DOE staff person at the site for the "first 2 years post-closure." We expected a presence at the site until, as a minimum, all the vegetation has had an opportunity to mature.
  - 9.1.2. Revise the Plan to include a section in *Roles and Responsibilities* of what specifically is expected of DOE during this post-closure commitment. It is

imperative to have the DOE contact present at the Quarterly Data Exchange meetings that LM has committed to support.

- 9.2. We support a Speakers Bureau post-closure and feel education and outreach are the foundations for informing the general public about the LTS activities at the site. We offer our support for this program and hope to team with you on this important project.

10. Emergency Contacts and Mailing Lists

- 10.1 Thank you for revising the contact list.



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